

FILED FEB 21 11:53:00 PM

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION**

DENNIS RUSSELL HOOPER

(Enter full name of plaintiff(s))

Plaintiff(s),

v.

UNITED STATES OF AMERICA

(Enter full name of ALL defendant(s))

Defendant(s).

Civil Case No. 1:12CV297-CL
(to be assigned by Clerk of the Court)

COMPLAINT

Jury Trial Demanded

☒ **Yes** ☐ **No**

I. PARTIES

List your name, address, and telephone number below, and the same information for each defendant. Make sure that the defendant(s) listed below are identical to those contained in the caption of the complaint. Attach additional sheets of paper if necessary.

Plaintiff

Name: DENNIS RUSSELL HOOPER

Street Address: P.O. BOX 2054

City, State & Zip Code: ROGUE RIVER, Oregon 97537

Telephone No. 541-582-1920

Defendant No. 1 Name: UNITED STATES OF AMERICA c/o Attorney General
Street Address: 950 Pennsylvania Ave., NW.
City, State & Zip Code: Washington, DC. 20530-0001
Telephone No. 202-514-2001

Defendant No. 2 Name: _____
Street Address: _____
City, State & Zip Code: _____
Telephone No. _____

Defendant No. 3 Name: _____
Street Address: _____
City, State & Zip Code: _____
Telephone No. _____

Defendant No. 4 Name: _____
Street Address: _____
City, State & Zip Code: _____
Telephone No. _____

II. JURISDICTION

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. A case involving the United States Constitution or federal laws or treaties is a federal question case. A case in which a citizen of one state sues a citizen of another state and the amount in damages claimed is more than \$75,000 is a diversity of citizenship case.

A. What is the basis for federal court jurisdiction (check all that apply)

☒ Federal Question

☐ Diversity of Citizenship

- B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory, or treaty right is at issue?

Freedom of Information Act; Federal Tort Claims Act; Health Insurance Portability and Accountability Act; Veteran's Health Administration Handbook 1605-1(16-05)

- C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state of citizenship _____

Defendant(s) state(s) of citizenship _____

III. STATEMENT OF CLAIMS

Claim I

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

On August 24, 2011, Department of Veteran's Affairs denied plaintiff's Administrative Tort Claim (021B:14484). This claim stems from a Veteran's Administration employee, stationed at the White City, Oregon facility, disseminating personal and medical information from plaintiff's V.A. file. The information given to a Medford (Oregon), police officer, violated the Health Insurance Portability and Accountability Act (HIPPA), and the Veteran's Health Administration Handbook. The personal and medical information were divulged without a warrant or subpoena. The information transmitted via telephone during a routine traffic stop, was not requested for a focused civil or criminal investigation or other legitimate governmental reason. This information was misinterpreted and abused by the local law enforcement agency. As a direct result of this information being shared with a local police officer, plaintiff's received a traffic citation and plaintiff's vehicle was impounded. Due to the impoundment of plaintiff's vehicle, plaintiff was left at the side of the road in his wheelchair with his luggage and laptop. Plaintiff's vehicle was slightly damaged during the towing. Plaintiff had to reside temporarily in a homeless shelter because plaintiff was traveling and residing in his vehicle. Plaintiff also had to pay a fine, court costs, and towing/impound fees.

IV. RELIEF

State briefly exactly what you want the court to do for you and the amount, if any, of monetary compensation you are seeking. Make no legal arguments. Cite no cases or statutes.

Plaintiff requests a court order preventing the Veteran's Administration from disseminating any personal/medical information for law enforcement purposes, without following established guidelines contained in the HIPPA, FOIA, and the Veteran's Health Administration Handbook.

Plaintiff is also seeking a monetary judgement of \$9,000.00

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 20 day of February, 2012.

Dennis Russell Hooper
[Signature]
(Signature of Plaintiff(s))